

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEITH BELL,

Plaintiffs,

v.

**Civil Action 2:18-cv-961
Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Jolson**

CAUGHT MY EYE PHOTOGRAPHY, et al.,

Defendants.

MEMORANDUM OF FIRST PRETRIAL CONFERENCE

This matter came before the Court on April 3, 2019 at 1:30 p.m. at the First Pretrial Conference pursuant to notice and in accordance with Rule 16 of the Federal Rules of Civil Procedure. Counsel appeared as follows:

For Plaintiff:

Josh Jones

For Defendant:

Keona Padgett

The following matters were considered:

INITIAL DISCLOSURES

The parties shall make initial disclosures by April 22, 2019.

VENUE AND JURISDICTION

There are no contested issues related to venue or jurisdiction at this time.

PARTIES AND PLEADINGS

Any motion to amend the pleadings or to join additional parties shall be filed June 7, 2019.

ISSUES

Plaintiff alleges the following causes of action related to his claims of violations of his intellectual property rights: copyright infringement; removal and alteration of copyright management information; contributory copyright infringement; federal trademark infringement; and Ohio common law trademark infringement and unfair competition. Defendant Worthington City School District has denied these allegations and asserted various affirmative defenses. Both parties have included a jury demand.

DISCOVERY PROCEDURES

All discovery shall be completed by November 22, 2019. For purposes of complying with this order, all parties shall schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and shall file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court.

DISPOSITIVE MOTIONS

Any dispositive motion shall be filed by December 13, 2019.

EXPERT TESTIMONY

Primary expert reports must be produced by July 26, 2019. Rebuttal expert reports must be produced by September 6, 2019. If the expert is specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(B), unless otherwise agreed to by the parties. If the expert is not specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(C), unless otherwise agreed to by the parties. Pursuant to Fed. R. Civ. P. 26(b)(4)(A), leave of court is not required to depose a testifying expert.

SETTLEMENT

Plaintiffs will make a settlement demand by March 29, 2019. Defendants will respond by May 6, 2019. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference in September 2019, after production of rebuttal expert reports. In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the beginning of the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require *inter alia* that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

OTHER MATTERS

Plaintiff has agreed to provide quarterly (calendar year) reports pertaining to attorneys' fees and costs to Defendant.

If the foregoing does not accurately record the matters considered and the agreements reached at the conference, counsel shall immediately object in writing. If any date set in this order falls on a Saturday, Sunday or legal holiday, the date is automatically deemed to be the next regular business day.

IT IS SO ORDERED.

Date: April 3, 2019

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE